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SENATOR VEST

CHAMPION OF THE DOG

BY

EDWIN M. C. FRENCH

ILLUSTRATED



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*Dedicated to
the millions of dog-lovers the
country over, and to those in-
terested in the great outdoors*

PREFACE

This volume is not in any sense to be construed as an extended biography of the late Senator George Graham Vest, but touches briefly on some parts of his career, and brings out in detail the circumstances of the trial of the now famous Missouri dog case which more and more is causing a thrill among the dog-lovers in this country, and furthermore to explain with some detail the splendid work accomplished by Senator Vest in the establishment of the Yellowstone National Park.

Senator Vest's love of dog and nature stands out prominently.

The author desires to express his thanks to the Honorable Sam A. Baker, Governor of Missouri, George G. Vest, son of the late Senator, and others whose courtesy assisted in securing data for the work.

1929

E. M. C. F.

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SENATOR VEST, CHAMPION OF THE DOG

CHAPTER I

BUSY LIFE OF SENATOR VEST

Time has not lessened in the slightest degree the force of the splendid tribute to the dog at Warrensburg, Missouri, fifty-nine years ago by the late Senator Vest of Missouri. Rather, it has added to its impressiveness and pathos immeasurably. Research into the life work of the Senator discloses many unusual incidents, incidents which illustrate the energy and resourcefulness of this colorful figure.

Mr. Coolidge in his now famous "I do not choose" used no new phrase to express his feelings about his political future. Senator Vest, forty-three years ago, in a great discussion as to the advisability of the President of the United States naming a commission to investigate the liquor traffic, declared himself in this language.

"I do not choose to be put in the attitude of advocating intemperance, and I do not choose to be placed in the category of opposing temperance, but I do not believe in the Federal Government, either by investigation or otherwise, invading

what I suppose to be the constitutional province of the states."

The United States Senate however voted the measure which provided for such a commission to be named by the President with the consent of the Senate, and to be composed of seven, not more than four of the same political party, and not to be advocates of prohibition, the commission to investigate the liquor traffic, its relation to revenue and taxation, and general economic aspect.

Senator George Graham Vest stood out for many years as one of Missouri's leading statesmen. He was born in Frankfort, Kentucky, December 6, 1830, and passed away at Kansas City, Missouri, July 9, 1904. It was as a lawyer that Senator Vest achieved much fame in Missouri, and he was early prominent in its affairs. He was graduated from Center College, Kentucky, in 1848, and from the law department of the Transylvania University at Lexington, Kentucky, in 1853.)

(Mr. Vest was born with negroes, as he once expressed it, nursed by them, owned them and never sold one for profit, he declared, He treated them as he did members of his own family, and his former slaves, after the war, came to him in every adversity and for financial assistance.) Two of them, one an old nurse who fondled him in her arms, were recipients of his daily bounty and lived upon the means he provided them. Senator Vest was a sincere friend of the negroes and showed it in a human manner.)

After his admittance to the bar, the subject of this volume began practice in Georgetown, Missouri, moving to Booneville, Missouri, in 1856. Mr. Vest was a presidential elector on the Democratic ticket in 1860, and a member of the Missouri house of representatives in 1860-61. During the war he was a member of the Confederate Congress. He resumed his law practice in Sedalia, Missouri, in 1865, and was located there at the time he was called upon to aid in the dog case at Warrensburg. Twelve years later he moved to Kansas City where he thereafter made his home.

When the dark clouds hung over the country in 1861 and when Missouri was one of the states where the strife was greatest, George Graham Vest was elected a member of the Confederate House of Representatives, serving two years, and following that was a member of the Confederate Senate for a year. Mr. Vest's election to the Confederate House followed a meeting of the members of the Missouri legislature, who were favorable to the Confederacy, the meeting being held at Neosho, Newton County, two hundred miles southwest of Jefferson City. There were present twenty-three of the upper house and seventy-seven in the lower house of the legislature, and an act was passed November 2, 1861, unanimously by these men to ratify an arrangement between certain commissioners of the state and the Confederate Government by which Missouri was to become a member of the Confederacy.

Two senators were elected to the Confederate Senate in the persons of John B. Clark and R. L.

Y. Peyton, and to the Confederate House of Representatives were elected George G. Vest, Thomas A. Harris, Casper W. Bell, A. H. Conad, Thomas Freeman, Dr. Hyer and W. M. Cooke.

As a member of the Confederate Congress, Mr. Vest was prominent and he considered that Jefferson Davis was loyal to the people he led in every fiber of his nature, and that this could not be doubted, save by the blindest prejudice. And so being granted whether Davis was mistaken in the conduct of the war or in the policy of his administration should be a sealed book to all who sympathized and suffered with him, was Vest's belief.

The Missouri statesman witnessed in the Confederate Congress the bitter attacks on Davis' administration by Toombs, Yancey and Wigfall, Confederate leaders, whom he characterized as Toombs the Mirabeau of the revolution, Yancey whose lips were touched with fire, now the honey of persuasion, and then the venom of invective, Wigfall, brilliant, aggressive and relentless, the great triumvirate which assailed the Davis administration.

Mr. Vest was equally strong in his appreciation of Benjamin H. Hill of Georgia, a member of the Confederate Congress and later of the United States Senate. They met first in the Confederate Congress. Mr. Hill was reluctant to embrace the Confederate cause, and was the last to leave it. Met by Vest at Columbus, Georgia, while preparations were made to abandon Richmond,

Mr. Hill was engaged in the task of rallying the people of Georgia in what was a hopeless task.

Senator Vest was an intense admirer of Thomas Jefferson, once making the statement that Jefferson was the great political leader in whose doctrines he believed and in whose public life he felt an especial pride and that Jefferson was peculiarly the author of the doctrine of religious toleration in the United States. The first act of Jefferson, when he left the Continental Congress and became a member of the Virginia House of Burgesses, was to attack the doctrine of the union of church and state, and assert the fullest right of freedom of conscience and religious opinion.

Jefferson said this was the most terrible struggle of his long and eventful career, and against him were united all the great families of Virginia almost without exception, and, more than all, the established church with its ministers and laity who resented his attack upon church and state as a sacrilege, and as a personal outrage upon themselves, said Mr. Vest, who further stated that so terrible was the struggle that the enmities which it engendered, pursued Jefferson throughout his life and assailed his memory after his death.

Senator Vest's independence was never more strongly displayed than during the movement in 1887 to annul two corporations in Utah, one being the Immigration Society and the other, the Mormon Church. Mr. Vest expressed his belief that the agitation would result in a law being passed

to annul these corporations, but announced with vigor that he could not vote for it, saying, that he was well aware what the public sentiment of the country was, but that that made no sort of impression on him with his convictions as a legislator, or would any amount of criticism on his action. He contended that the proposed legislation violated the fundamental principles of the Constitution and the rights of property. The point on which he based his action was that portion which provided for the settling up of the business of the two corporations after they were declared not to exist any longer, and for paying what was left into the United States treasury to be applied to the common school fund of Utah. Vest questioned the right of the government to apply the funds to common school purposes, and asserted that it was "naked, simple, bold confiscation and nothing else."

In Senator Vest's long career nothing stands out more sharply than his position on the slavery question evidenced fifteen years after the close of the Civil War.

The Claims Committee of the Senate reported favorably on the claim of Samuel A. Lowe for \$4750. for services claimed to have been rendered and money expended as Clerk of the Territorial Legislature of Kansas Territory, and for copying the laws of that territory in 1855. Senator John J. Ingalls of Kansas argued that it was an attempt to induce the Senate to pay for the compilation of the infamous slave code of the territory of Kansas.

Mr. Vest declared that he was not familiar with the details of the case but in this connection, said:

"I have no disposition to go back to the history of that terrible and unfortunate border war; great outrages were perpetrated by both sides. The original crime cannot be fastened and never will, if the pages of history are just to the living and the dead, upon the people of Missouri. The institution of slavery has ceased to exist and for myself I have no disposition to palliate or excuse any outrages that may have been committed with it. I desire that the recollection of them shall pass away but I know, and hundreds now living know, the unparalleled outrages perpetrated upon the people of my state by the men who are claimed today to have been martyrs in the cause of liberty and freedom on the soil of Kansas. The institution of slavery was with us by no volition of our own, and we were unable to get rid of it by lawful means at that time."

Following the war Senator Vest's activities and his fame increased so that in 1879 we find him entering his duties as United States Senator at Washington where his service as Senator continued for twenty-four years. The state of Missouri kept its United States Senators in office for a long time, Francis M. Cockrell of ~~that~~ ~~the~~ state holding the same office for thirty years, and both Vest and Cockrell were of counsel in the famous Missouri dog case, considered in detail in the next chapter.

Senator Vest always stressed the point that the

work he did to establish the Yellowstone National Park and to create the Pure Food Act were more beneficial to humanity than his few words on the dog. He also always thought that his greatest speech was his address on Thomas Jefferson given in Columbia, Missouri, at the unveiling of a monument dedicated to Jefferson.

Senator Vest was a leading figure in the great tariff discussion in the Senate in 1892, the opponents of the protective system being led by Mr. Vest, who charged that no man could show that these enormous tariffs had helped the wool-growers of the United States, claiming that it was impossible that they could have done so, because the wool-grower received no part of the bounty. He claimed that it was nothing but a bounty, and that it went to the manufacturer, that it did not go to all the manufacturers, but to a few of them. The American manufacturer, he argued, collected the duty on the wool and put it in his own pocket. Mr. Vest charged that there were individual instances of wool manufacturers who had made enormous profits, as for instance, the Arlington mills in Lawrence, Massachusetts the treasurer of which was Mr. William Whitman. Mr. Vest's attack along this line brought forth a warm reply from Mr. Whitman who had served for some years in the capacity of President of the National Association of Wool Manufacturers.

Mr. Whitman went so far as to write to Senator William B. Allison at Washington in which he set forth that he was not aware of the existence

of any trust in the wool-manufacturing business, and did not expect such a combination to be made under any conditions, that the conditions of wool-manufacture were such as to make trusts impossible.

The controversy between Mr. Vest and Mr. Whitman raged warmly for a long time and there was some correspondence between the two, and in one letter to the Senator from Mr. Whitman, the latter declared that he was at first much irritated by the Senator's attack which seemed to be unjust and outrageous, but that he then had reason to believe that Mr. Vest was misled by some of the young Democrats in Massachusetts, who had very little knowledge or experience in business, and who employed a person to "work up a case" against the Arlington mills in the interests of tariff reform, whose zeal ran away with his discretion and his regard for the truth. Mr. Whitman ended by cordially inviting the Senator, if at any time he could come to Massachusetts, to personally visit the Arlington mills and satisfy himself of the truth of what Whitman had written, to inspect the books and payrolls of the mills, to meet and talk with the operators, to see what homes they lived in, and what they had done by way of intelligent cooperation for their advantage.

The controversy was the subject of a great deal of comment pro and con in the newspapers, and the letter to Senator Allison from Mr. Whitman was printed in the Congressional Record, in answer to which Mr. Vest charged that Mr.

Whitman above every other man in the United States was notoriously responsible for the provisions of the McKinley Act in regard to the wool tariff. This controversy was one of the outstanding features of Senator Vest's services in the Senate and has been referred to, to illustrate the great force of character of the late Senator from Missouri.

This strength of character of Senator Vest is also illustrated by his speech in the Senate of February 16, 1903, at almost the close of his senatorial career. In this he said with emphasis that he wanted to make one observation in regard to points of order, for he should probably never again have an opportunity to discuss the question in the Senate.

He declared, "My experience in a great many years of service in this body, is that the Senate of the United States, that is, the majority generally does what it wants to do without regard to the rules. I never have known an instance when the sentiment in the Senate was decidedly in favor of certain legislation, that the rule was not overridden and disregarded if the Senate could possibly get a vote as to the rule."

Senator Vest asserted that he never considered that his speech on the dog deserved any great place in the annals of oratory but the consensus of opinion of the thousands of people who have read his address to the jury in this case, is that his tribute to canine fidelity was a masterpiece and has become world famous.

Mr. Vest was close to forty years of age at the

time he made this address, he being at that time a practicing attorney at Sedalia, Missouri, and associated in the case with Attorney John F. Philips of Sedalia, afterwards Commissioner of the Supreme Court of Missouri, and then Judge of the United States District Court for the western district of Missouri.

Mr. Vest, early in life, displayed affection for the dog and oftentimes praised the race which the poet characterized as "possessing beauty without vanity, strength without insolence, courage without ferocity, and all the virtues of man without his vices."

The last survivor who heard Mr. Vest make his remarkable dog address was Colonel Wells H. Blodgett of St. Louis, widely known attorney who died May 8 of this year (1929) and was ninety years old. He was associated with Mr. Vest and other attorneys for the plaintiff in the case. Colonel Blodgett served as a State Senator in Missouri, afterwards became identified with the Wabash Railroad and was the President and General Solicitor for the road.

Colonel Blodgett died of the infirmities of age. He retired in 1915 after forty-three years as head of the Wabash Railroad legal department. At the outbreak of the Civil War he enlisted as private and rose rapidly to Colonel of the Forty-eighth Missouri Volunteer Infantry, winning the Congressional Medal of Honor. He entered the practice of law at Warrensburg, Missouri, and served one term each as State Representative and State Senator before he came to St. Louis.

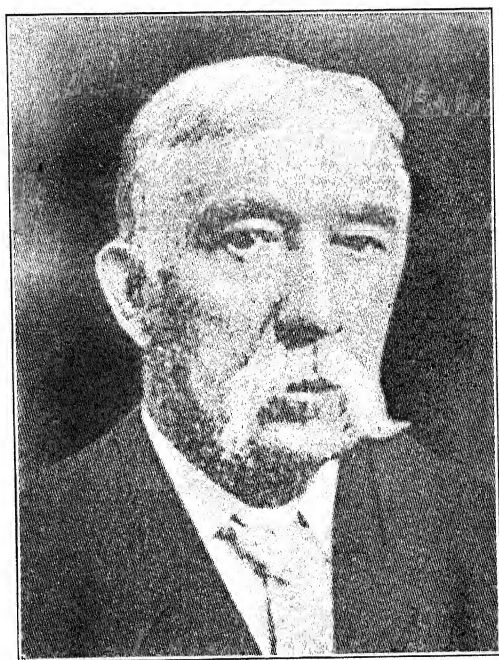
Colonel Blodgett in later life was known as the nestor of the St. Louis bar. In the famous dog case as one of the attorneys for the plaintiff Burden, he was the one who engaged Senator Vest to participate in the trial, doing this at the suggestion of his client.

On February 15, 1894, the Congressional Medal of Honor was awarded to Colonel Blodgett for distinguished gallantry in action at Newtonia, Missouri, September 20, 1862, (then 1st Lieutenant, Co. D, 37th Illinois infantry volunteers) the citation reciting, "With a single orderly, he captured an armed picket of eight men and marched them in prisoners."

Mr. Vest's famous speech on the dog was the subject of action in the 1927 Missouri Legislature, being read there in a debate on the question of canine tax, the speech being ordered as a part of the fifty-fourth general assembly's record. During the dying hours of the legislature, a deadlock was relieved for a few minutes by one of the Senators reading the piece, after another Senator had endeavored to secure consent to pass a bill placing a tax on all dogs in the state and eliminating predatory dogs in the sheep-raising districts of the state.

A burst of applause followed the reading of the Vest dog speech, and the speech was ordered printed as part of the record, the author of the canine tax however being unable to obtain consent to place the bill for final passage.

Mr. Vest's long term in the Senate was in itself a very active service. Keenly alive to the needs



of his constituents in the state of Missouri, he presented many bills in their behalf, participated in a great amount of committee work, and was one of the most active men in the Senate. In the questions of national importance few were more prominent in the debate than he. In those days Senators Allison, Teller, and Hoar, notable strong men in the Senate, were often heard. Senator Vest went deep into every subject in which he became interested, having many consultations with people from whom information could be gleaned, and gave thorough consideration to the various angles involved. A practicing lawyer for years before he entered the Senate, his mind was equipped for unusual service in matters in which question of law and of fact were involved. He also kept in touch with men in various parts of the country who were in a position to furnish him information on questions to be threshed out in the Senate. George G. Vest in short could well have been termed "a working Senator."

He was an uncompromising foe to women's suffrage and once expressed his sentiments on this question in language like this:

"What man can without aversion turn from the blessed memory of that dear old grandmother, or the gentle word and caressing hand of that blessed mother gone to the unknown world, to face in its stead the idea of a female justice of the peace or township constable. For my part, I want, when I go to my home, when I turn from the arena where man contends with man for what we call the prizes of this paltry world, to go back

not to be received in the masculine embraces of some female ward politician, but to the earnest, loving look and touch of a true woman. I would not, and I say it, deliberately degrade woman by giving her the right of suffrage. I believe that woman as she is today, the queen of home and hearts, is above the political collisions of this world, and should always be kept above them."

But few more inspiring words were ever spoken by any statesman than were those uttered by Senator Vest in the Senate when he presented a bill in behalf of the family of General James Shields.

General Shields, widely known Union soldier, was succeeded in the Senate at his death by Mr. Vest, and the latter moved in the bill that payment of a pension of \$100.00 monthly granted some time before to General Shields, be continued to his wife and children, on the ground that the family was then in indigent circumstances. The bill was passed. General Shields left his family only his glory and sword, declared Mr. Vest in his support of the bill. Continuing he said, "Coming from a nationality which has been unfortunate enough to pour its blood like water in defense of every country except their own, there is not an Irish heart in these free United States that will not beat with gratitude to this Congress for this sincere evidence of their appreciation of the services of their heroic countryman."

Attached to the bill for the relief of the family of General Shields was a provision of \$100.00 monthly to be paid to Caroline S. Webster, widow of Colonel Fletcher Webster, Colonel of the 12th

Massachusetts regiment, killed at the second battle of Bull Run. Colonel Webster was the son of the immortal Daniel Webster.

The subject of this volume, in his varied public experience and in many utterances of an outspoken nature, favored strongly reducing the course at the military academy at West Point to two years, as the remedy for hazing, and make it a strictly professional school. He claimed the faculty was loaded with a mass of elementary subjects in the physical sciences, in mathematics and even in languages which could be taught as well or better in the private and state schools of the country. West Point, he thought, should confine itself to the specialties of the soldier's vocation.

Senator Vest in his very colorful career vigorously opposed the movement to place Ex-President U. S. Grant on the retired list of the army. The Missouri statesman opposed it in principle from beginning to end, but he proclaimed General Grant as one who passed into history beyond question as the greatest general of the Civil War. For General Grant's military skill Mr. Vest publicly expressed the very greatest admiration.

The course pursued by General Grant at the close of the Civil War upon the hill of Appomattox, when he handed back to General Lee the latter's sword, brought forth from Mr. Vest the statement that every southern heart went out in gratitude to Grant for his generous treatment of Lee.

Mr. Vest's contention was, however, that when General Grant left the place provided for him

by the representatives of the people and when he entered the arena of partisan politics, and when he took the chances of public life, he should stand the hazard of the die. The Senator emphasized that he disclaimed all personal hostility to Grant, and that his opposition was a matter of principle, and that as a representative of the people he could not consent to provide places for generals, no matter how distinguished, who like senators, had taken the chances of political life and been beaten.

Senator Vest as a practicing attorney had a wide and varied practice of the law. During the political campaign of 1870 in Missouri, it was deemed desirable by a party termed Liberal Republicans to establish a newspaper at Sedalia in the 5th Congressional district in that state. Candidates on this ticket in conjunction with leading politicians instead of starting such a paper on an independent basis, concluded it was more advisable to make an arrangement with a company called the Democratic Press Company which already owned a newspaper plant, to publish their proposed paper, and under this arrangement, eight people, including one Ritter, were named as a board of managers. The canvass proved unsuccessful and the company which owned the Democratic Press plant, sued the managers to recover a claim for expense of printing the paper. Judgment was recovered against seven of the managers including Ritter. The latter paid his share and also that of one Bannon, and why he paid for the latter was not explained.

In an action of Ritter against the Democratic

Press Company, he sought to recover the money he had paid on the ground that three of the managers had colluded with the press company and made arrangements as would discharge their liability without the knowledge of Ritter.

The latter lost his case. Mr. Vest was counsel for the Democratic Press Company.

A man of great mental activity was the lawyer of Missouri, whose tribute to the dog gained him as much if not more fame than did twenty years' service in the Senate of the United States.

Senator Vest had some ideas on death and once expressed himself in this impressive language:

"It is said that death is the great enemy of our race but under certain circumstances and environments this is not true. When the young, vigorous, ambitious and hopeful are stricken down, we stand shocked as if before some unfinished painting or statue where the pencil or chisel has fallen from the nerveless hand of a great artist; but when life's work is done, when the task is finished, and we simply await the inevitable end death is oftentimes a friend."

Such then were some of the salient facts in the life of a busy man, who found time to give attention to many different avenues of pursuit, and who was as much at home trying a dog case, as he was in debate in the Senate of the United States.

No state in the union suffered more from internecine strife and neighborhood war than Missouri, according to Mr. Vest, who said that the wounds there inflicted were deep and cruel, no

man being willing to prophesy when their memory would pass away.

The death of Congressman Alfred M. Lay of Missouri in 1879, shortly after his election to the National House, called for a beautiful tribute from Mr. Vest, who for twenty-five years had been a close friend of the Congressman.

Mr. Vest said that Lay had often told him that it was the dream of his boyhood to represent his native state in the National Congress, and said Vest, "At last after years of struggle, the hour came when his hand reached to the prize and even in that moment he was stricken down."

"In all political and even personal history, I do not know a sadder page than that upon which is written the termination of the ensuing canvass and of a life's ambition."

Vest's tribute to Lay included this impressive language:

"No life is perfect, but each has its aggregate of good or evil; and, aside from empty panegyric, this, at last must be the question as each of us drifts out upon the shoreless ocean, was his life for good or evil, were its duties performed?"

CHAPTER II

SENATOR VEST AND THE STORY OF "OLD DRUM"

In the latter part of 1869, four years following the close of the contest between the North and the South, in the state of Missouri, the feeling of unrest still lingered in the minds of its people and sometimes small matters started trouble. At this time two of the residents of Kingsville, Johnson County, Missouri, were Charles Burden and Leonidas Hornsby who were destined as plaintiff and defendant to figure in a long drawn out lawsuit which engaged the services of some of Missouri's greatest lawyers, and the trial of which brought out the late Senator Vest's splendid tribute to the dog.

Old residents said that at this time in 1869 in Missouri wild game was in sight and the male residents kept their hound dogs for the chase. Burden kept a pack and among them was "Old Drum," the dog that he said "never lied." When this dog gave tongue his owner knew what it was about. This dog led the pack and in October of 1869 he was in the neighborhood of five years old. Black and tan, and Burden had been heard to express the opinion that there was some bloodhound in him. His owner often declared that money could not buy

him, and that he was the best dog for deer he had ever possessed.

Burden was a real honest-to-goodness hunter and had, on a number of times, crossed the plains. Six feet tall with blue eyes and light hair, he had a strong constitution and at the time was in his prime. Like the real doggy man of the present day Burden loved "Old Drum." They were real comrades, and next to Burden's family came the hound.

A few miles from the Burden homestead lived Hornsby, described as a small wiry man with red hair, a vigorous man, and a hunter.

During the few months of the summer and fall of 1869, Hornsby had lost many sheep killed by dogs, and made his threat that he would kill the first dog he found on his property. He had himself hunted with "Old Drum" as he had with others of his neighbor's dogs.

It was on the evening of October 28, 1869, that Burden and Frank Hornsby sitting about the former's house heard a gun fired, the report coming from the direction of the home of Lon Hornsby. Only one shot was heard but Burden expressed the fear that one of his dogs had been killed. He left his house to listen but heard nothing. He blew his horn for the dogs, and all came up but "Old Drum" who failed to respond to the summons which rang out in the night. Once again Burden blew his horn but no answer from "Drum."

On this day Lon Hornsby and Dick Ferguson

had been hunting around the lake and Big Creek and returned home when darkness came on. Around eight o'clock someone remarked that there was a dog in the yard. Lon told Dick to get a gun and shoot the dog, it was alleged. Dick secured the weapon, stepped out of the house and saw a dog in the shadow of a tree about thirty steps away. There was a report of the gun and howling of the canine mortally wounded. He ran toward the southwest and jumped over some stile blocks. The crying of the animal grew fainter and weaker until it at last died away.

Here then started something. Started a litigation which kept the attention of the Missouri courts at five trials, including the famous speech of Senator Vest which is preserved to all posterity because of its truth and its appreciation to all dogs and their owners.

Burden, the owner of "Old Drum," declared with great vehemence that he would have satisfaction at the cost of his own life, and on the next morning, that of October 29, 1869, Burden began his search for the old hound he loved so well. He went first to a neighbor, Hurley, of whom he inquired if he had seen the hound. From there he went to the home of Lon Hornsby where he found the latter making cider. Hornsby was asked "What dog was that you shot last night?" The reply was that he had not shot any dog but that Dick had. Burden declared, "If it's my dog it's all wrong and I will have satisfaction at the cost of my life."

On the next morning "Old Drum" was found a

few feet near the ford, on Big Creek, dead, his head filled with shot, in the water. Apparently he had been carried or dropped to this spot. It transpired that two dogs were shot at the same hour that night within two miles of each other, but only one body was found and that was Burden's hound. Burden decided right on the spot that he would go to law and get his revenge. Records show that he went to Kingsville and engaged counsel to sue Lon Hornsby, and the suit was duly filed in the court of Justice of the Peace Munroe in the town of Madison, and on November 29, 1869, the case went on trial. The law firm of Nation and Allen, attorneys for Hornsby, presented a motion to dismiss the action on the ground that the amount asked for, one hundred dollars, was outside the jurisdiction of the justice of the peace. The latter allowed Burden to amend his complaint, reducing the amount asked for to fifty dollars and the trial proceeded, ending in a disagreement of the jury.

On January 27, 1870, the case again went to trial before the justice and the jury, assessed damages for Burden to the amount of twenty-five dollars, establishing to the satisfaction of the jurymen that Lon Hornsby had caused Dick Ferguson to kill the hound.

But the litigation had only just begun, the defendant appealing to the Johnson County Court of Common Pleas, where it was slated for trial in March, 1870, at Warrensburg. New attorneys had been retained by both sides, Crittenden and Cockrell for the defendant, Elliott and Blodgett

for the plaintiff. At this trial of the now famous case, the defendant received a verdict in his favor. Thereupon Burden retained Phillips and Vest as counsel who presented a motion for a new trial, which motion was sustained after the plaintiff had advanced the claim that he had discovered new evidence.

In October of 1870, the case went to trial for the second time in the Court of Common Pleas at Warrensburg, the trial taking place in the old courthouse which is still standing. The friends of both sides were out in force, depositions of witnesses from other states had been taken and were read. The attorneys for Burden proved the shooting at the defendant's dog, the finding of "Old Drum's" remains, and by deduction that on the night of the shooting, his body was carried to the creek and left there. Hornsby himself and witnesses showed the shooting of a dog, but denied that it was the hound that had been killed.

After the evidence, and listening to the claims of the defense that "Old Drum" was not at the Hornsby house when a dog was killed, the case closed. Arguments were made by the attorneys. What all these attorneys said is not remembered distinctly, but the closing argument for Burden by George Graham Vest, is reverberating along down all these years.

Mr. Vest at this time was busy preparing a case which finally went to the Missouri Supreme Court in which he was counsel for appellants, which case involved a controversy over the lease of a farm in Johnson County, Missouri, the lessees

finding that when the time arrived for them to take possession of the farm, a farmer tenant holding over, refused to surrender possession.

The day of the great speech for the dog was a cold one, so cold that Mr. Vest had not taken time to shave before leaving his hotel for the courthouse, the hotel being across the street from the courthouse.

The exact facts of Senator Vest's connection with the case, as now related to the author by a member of the Senator's family, is as follows:

That Senator Vest, a young lawyer at that time, was attending a session of the circuit Court at Warrensburg, Missouri, and that while waiting for the trial of a case in which he was interested, a case came up for trial in which a farmer filed an action in damages against a neighbor for the unlawful killing of his hound dog, in the amount of fifty dollars. The lawyer who represented the plaintiff in the case invited young Vest to aid him in the trial of the claim for damages. Vest agreed to do so for the stipulated fee of ten dollars. During the examination and cross examination of the witnesses, both for the plaintiff and the defense, Vest kept absolutely quiet and took no part in the proceeding. When the witnesses on both sides had all been heard, and the time had arrived for arguments to the jury, the plaintiff's lawyer made the opening address to the jury, the defense lawyer then spoke and the plaintiff's lawyer then asked young Vest if he did not care to address the jury. Vest said no, he thought the case had been tried as well as it could be tried, and the

plaintiff's lawyer then said that if he did not take some part in the proceedings, he thought that his client would object to him receiving any fee and that he had better make the closing address to the jury. Young Vest then arose and without notes or any preparation at all, spoke the few words which have become so famous.

At the close of his address tears were running down the faces of several members of the jury, and after but three or four minutes' deliberation, the jury returned to the court and announced that they had found for the plaintiff and assessed damages against the defendant in the sum of \$500.00. The court then instructed the jury that the damages could not be assessed in excess of the amount prayed for in the petition, which was \$50.00, so the damages were then assessed at \$50.00.

The address to the jury by Mr. Vest which will ever be a monument to "Old Drum" and the canine race is couched in this language:

"Gentlemen of the Jury: The best friend a man has in the world may turn against him and become his enemy. His son or daughter that he has reared with loving care may prove ungrateful. Those who are nearest and dearest to us, those whom we trust with our happiness and our good name may become traitors to their faith. The money that a man has he may lose. It flies away from him, perhaps, when he needs it most. A man's reputation may be sacrificed in a moment of ill-considered action. The people who are prone to fall on their knees to do us honor when success is with us may be the

first to throw the stone of malice when failure settles its cloud upon our heads. The one absolutely unselfish friend that man can have in this selfish world, the one that never deserts him, the one that never proves ungrateful or treacherous, is his dog. A man's dog stands by him in prosperity and poverty, in health and sickness. He will sleep on the cold ground where the wintry winds blow and the snow drives fiercely, if only he may be near his master's side. He will kiss the hand that has no food to offer; he will lick the wounds and sores that come in encounter with the roughness of the world. He guards the sleep of his pauper master as if he were a prince. When all other friends desert he remains. When riches take wings and reputation falls to pieces, he is as constant in his love as the sun in its journey through the heavens.

"If fortune drives the master forth an outcast in the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying him, to guard against danger, to fight against his enemies, and when the last scene of all comes, and death takes the master in its embrace, and his body is laid away in the cold ground, no matter if all other friends pursue their way, there by the graveside will the noble dog be found, his head between his paws, his eyes sad, but open in alert watchfulness, faithful and true even in death."

After two trials before the trial justice and two in the Court of Common Pleas, the end was not in sight. The defendant's counsel appealed the

action to the Supreme Court of Missouri alleging that the justice had erred in permitting the amendment of the statement from \$100.00 to \$50.00 and that the Common Pleas Court erred in giving Burden a new trial. Supreme Court Justice Bliss ruled against the defendant in the following decision:

"Suit was brought originally before a Justice of the Peace for killing plaintiff's dog, and the damages were laid at \$100.00. On motion to dismiss for excess of claim, the plaintiff amended his statement so as to make his claim but \$50.00 and went to trial. This leave to amend is the first error complained of, but it was perfectly proper to make the correction. The defendant appealed and upon trial the verdict was in his favor. The court however on the plaintiff's motion, granted a new trial, and this is also claimed to be erroneous. It has long since been settled in Missouri that error will not lie for granting a new trial. The reasons are set forth in *Helm vs. Bassett* 9 Mo. 52 and the doctrine is affirmed in *Keating vs. Bradford* 25 Mo. 86. Upon the second trial the evidence was all submitted to the jury upon fair instructions, and the case should have stopped there. I find no error whatever in the record. Judgment affirmed. The other judges concur."

Thus the Missouri Supreme Court and the Common Pleas Court affirmed that Ferguson by the direction of Lon Hornsby killed "Old Drum."

About everybody who figured in the case has passed away. Charles Burden died in Holden, Missouri; Hornsby is dead, and all the attorneys

are dead. Senator Cockrell died December 13, 1915, and John F. Philips on March 13, 1919. Colonel A. W. Rogers also an attorney for the defendant was one of the founders of Phi Delta Theta while at Miami University of Ohio. Senator Cockrell, Confederate soldier, known as Missouri's grand old man, wanted to be Governor of Missouri in 1874, and lacked only one-sixth of one vote in a state convention of securing the nomination which would have given him the election. This is believed to be the closest shave on record for an important office.

Silas S. Woodson was nominated for Governor. Also besides Cockrell, were candidates Colman and George Graham Vest. The people of Missouri who remember this vigorous campaign for the governorship of Missouri in '74 tell the story of that toward the end of the race Vest went home and somebody asked him how he was getting on. "Oh, hell," he replied, "I am doing no good. It seems to me half of the Confederate Army must have served in Cockrell's brigade."

When the war closed, Vest returned to Missouri from the Confederate Senate and Cockrell from the Confederate Army, the two men locating in two great, rich adjoining counties. Vest went into partnership with John F. Philips, a Union Colonel while Cockrell formed a partnership with Thomas T. Crittenden, another Union Colonel.

For forty years these two law firms dominated the politics of Missouri. The late Champ Clark, himself long a national figure, once stated that no

state ever had a better senatorial team than Cockrell and Vest who served side by side in the United States Senate for twenty-four years. Clark characterized Vest as one of the crack orators of his generation and Cockrell as one of the most indefatigable workers who ever lived, that Vest and Cockrell were effective, strong speakers, the former being witty, humorous, sarcastic, eloquent and lathered the Republicans up with vitriol so as to infuriate them almost to apoplexy, while Cockrell confined himself to historic facts, and made a specialty of arithmetic.

The firm of Philips and Vest and the firm of Crittenden and Cockrell were linked together by the ties of friendship and religion and the trials of war. All four were Presbyterians. Cockrell's retirement from the United States Senate in 1905 resulted from a Republican legislature electing William Warner to succeed him. President Roosevelt's comment on this change was that the people of Missouri had lost a faithful servant, but that the government would not lose him, and he appointed Cockrell a member of the Interstate Commerce Commission.

In the report of the case, *Charles Burden vs. Leonidas Hornsby* 50 Mo. 238, less than one page is taken by the entire case, the opinion of Justice Bliss covering less than half a page. Dave Nation, one of the first attorneys in the suit attained no fame outside of his own town, but he was the husband of Carrie Nation, famous for a time as the "woman with the hatchet."

The courthouse in which the Vest speech was

made, still standing in Warrensburg, has been the mecca of visitors from every state in the Union in the years since 1870. The record and all the filings in the case are still in the office of the Clerk of the Circuit Court in Warrensburg, and have been perused many, many times. The record itself fails, of course, to tell the real story of the human interest this lawsuit brought forth. Thousands of copies of Senator Vest's address have been circulated all over this country and many parts of Europe. How it has been set up as the slogan of dog-lovers of the United States, many of whom having been left friendless, still lived on with only the dog for a companion.

Hounds of the "Old Drum" type were "folks" in Missouri sixty years ago as they are "folks" in South Carolina today. Their masters were all bound up in them and today in South Carolina the owner of "Ring" a clever foxhound, paid \$1000.00 to get him dug out of a den, after six days' captivity, resulting from chasing a fox. "Ring" died a few hours after he was rescued, of pneumonia, and his owner expended another large sum to provide a suitable marker for "Ring's" last resting place.

Hounds especially "eat" themselves into the affections of their masters, and "Old Drum," hero of the most famous dog case in all history, and "Ring," leader of the hounds at Woodruff, South Carolina, are two noted examples of this breed, although they lived nearly sixty years apart. In fact, all dogs were "folks" in Missouri sixty years ago, as is further evidenced by another dog case

in that state, which like the Burden case finally wound up in the Supreme Court of Missouri for final disposition. Jacob Cantting was the plaintiff in this case, and the Han. & St. Joe R. R. Co. was the defendant.

Cantting was returning from a hunting expedition and boarded a train of the defendant at St. Joseph. His dog was with him, a well trained setter and valuable, he claimed, as a water dog. He claimed he was informed by the baggage-master of the train, that the animal would not be allowed in the passenger coach, and Cantting claimed he placed the dog in the charge of the baggage-master and paid the latter for the dog's transportation. By the regulations which were posted at the various stations "live animals" were allowed as baggage-masters' perquisites.

The plaintiff claimed the baggage-master agreed to transport the dog to New Cambria for \$1.50, which was paid. He further claimed that the railroad employe delivered the dog to some person, not the owner, and at some station, not New Cambria. The plaintiff in his suit recovered a verdict for \$90.00, and the railroad carried the case to the Missouri Supreme Court at the October term in 1873, which sustained the verdict. The principal witness for the plaintiff in the lower court said the animal was worth \$100.00. Several other witnesses were examined as to the value of hunting dogs and testified their price varied from \$50.00 to \$75.00, admitting however that this depended very much on the fancy of the purchaser.

Senator Vest, while the man who gave the greatest speech for the dog in all history, was at the same time in favor of all agencies to prevent the inflicting of injury by dogs. He once said, "I cannot conceive a case in which there ought to be any question about muzzling every dog in a town or city where there is any sort of suspicion that this terrible malady (rabies) exists."

"If there is a possibility of their being such a disease, I would muzzle every dog in this county, rather than have a single human suffer from it."

Some people are willing to keep fancy dogs, even if they pay \$500.00 or \$1000.00, as some insane people do, Mr. Vest remarked once, and he said he had very little respect for them.

The wonderful command of language of Mr. Vest as evidenced in his speech for the dog, was many times shown in his tributes on the death of some of the great Americans during the present century.

The passing of Vice-President Thomas A. Hendricks in 1885, called forth a beautiful tribute from Vest, in part as follows:

"He was the noblest type of American manhood, self-reliant and self-made. Incorruptible in public life and pure in private conduct, asking and giving no quarter. He did not sprinkle rosewater over the enemies of his party, nor give sweetmeats to the political wolves and tigers ready to spring at his throat. He died suddenly as falls a chieftain on some stricken field, and it was well. Better one pang, one throb, than weeks of pain and slow decay. Better to fall like the struck

eagle whose full stretched wing droops in mid-heaven above the mountain top, than to writhe through weary days and sleepless nights waiting the inevitable hour."

Senator Vest's splendid eulogy of the dog finds echo this year in an opinion by Asst. Attorney-General Holland of Missouri, regarding the status of a "houn' dawg," in answer to a request by a Missouri man to the Governor of that state wherein the man sought to know what rights attached to his dog by reason of the license he had procured for him. Mr. Holland's opinion is full of human interest and says:

"Speaking personally, I indulge the hope that the discussion which follows will interest you. I must confess that the eulogy of the dog by the late Senator Vest left such a profound impression upon me that I cannot resist the temptation offered by your letter to restate, in much humbler language, the regard in which men hold dogs and the laws they have caused to be enacted concerning them.

"It may be well to recall the questions that you ask by way of obeisance to the shrine of legal order. Your letter follows:

" 'I am writing you to find out where a dog license is any protection to a dog. If not, where is the use of paying out that money. The Mayor here says a license does not protect the dog in the least; that, if it leaves home, the officer has a right to kill it. Will you please let me know where a license does protect the dog and does it have a right away from home, either day or night?'"

"The State of Missouri devotes an entire chapter of the Revised Statutes of 1919 to 'Dogs.' It solemnly assures us that a 'dog (section 4353) shall be held and construed to mean all animals of the canine species, whether male or female.' From that simple pronouncement there evolves a widening circle of state and municipal legislation that weaves about every canine who after nine days of darkness opens his eyes upon the sturdy mountains and verdant rolling plains of our great state.

"In the all-inclusive fold above outlined we find the aristocracy and the serfdom of the dog. It includes the snobbish Pomeranian, curled in sweet contentment upon the social dowager's lap; it embraces the rugged, stately and commanding St. Bernard; the fine-limbed, alert, aggressive police dog; and, lest we stoop to sacrilegious forgetfulness, it comprehends also the reliable and revered old 'houn' dawg' of Missouri tradition.

"Somewhere between these vast extremes there stands your dog, a lonely figure in this towering controversy that has already whisked into its maelstrom the Governor of your state, the Mayor of your city, and finally, with a confession of deep humility in the presence of such august array, your humble servant.

"This framework lays the foundation for us to repeat anew the position your dog or any of his species holds in our complex social scheme.

"First, we consider him as he is, a legal entity. He is your personal property. The courts have so declared. The sparkling Kohinoor diamond;

the vast array of furniture under which the Mayflower struggled to these shores; the antiques of the Napoleonic period; the tapestries of the Hapsburgs of other days—he is as they are—personal property; only that and nothing more.

“The state, with its inherent rights to tax, has made its levy upon all of these. They have no privilege but to be. They exist, and, because they do, the state exacts its due.

“The right to tax a dog, basically, is as old as tax itself. It is no sentimental thing. The state does not envision the high intelligence of your dog’s searching eyes; it is denied the thrill you have in the furious greeting of its wagging tail; it does not comprehend the fond and loving joyfulness of his welcome. To the state your dog is just a chattel. He is, and, because he is, you must pay tribute to government for the pleasure that ownership gives you in any personal property.

“However, taxing a dog is a municipal function. As this great century dawned, the great state of Kentucky, which had theretofore enshrined and ennobled the horse, declared in 1901 that a tax on dogs was a valid exercise of the police power to regulate the ownership and keeping of dogs.

“Six years sped by. And then the State of California, land of sunset and of census, rushed in to say that taxing dogs was not inconsistent with the right of cities to license any kind of business not prohibited by law. It declared in solemn mandate that the levy of the tax need not be made

at any day certain, nor would it be void for failure to do this. The thought persists that it granted the dog at no time planned or sought to evade the tax, and that, when the bright and shining disc of license was placed upon his collar, he was no whit the wiser nor any whit the happier.

"Thus far everything has been against the dog. The drone of constant tax has been about his ears. But then came New York with the first step in his behalf. It thrust aside the clicking of its stock tickers and ignored its sunrise curfew law. It said in one sweet dulcet tone that he was entitled to broader rights, greater protection and professional care—and then in a deep and strident crescendo roared out its declaration that he still must bow beneath the weight of tax—even as you and I.

"It said briefly that a tax on dogs might be levied, and then diverted to a specially incorporated humane society, where the funds thus obtained would be deployed over the army of less fortunate and untaxed dogs.

"The world waited for Missouri. The tax and the care of dogs had been adjudicated. What of his life?

"Missouri held, under the spell of Christmas of 1924, that, if a man shot a dog maliciously, he must pay his owner twice his value; if he shot him, but without malice, then his actual value. The presumption lies that, if he shot him in any other mental attitude, it was too bad for dog and owner, too.

"This brings us to what your dog may do under

the license granted by your city. The state, you know, has passed the privilege on to your city, and this matter really is between you and your home town.

"The license protects your dog in his right to be just what he is, your dog. If you were to refuse to pay taxes upon your house, the state might sell it; if you refused to pay tax upon your income to the state or federal government, you might be fined or imprisoned. So with your dog. It means only that you have paid the state its tribute for ownership of property and earned the right to the companionship of 'man's noblest friend.' As for the dog, it is nothing more than a constitutional occupation tax; his simple occupation is to be a dog.

" 'And does it have a right to stay away from home, either day or night?' you ask.

"There comes the saddest phase of all this case. It summons up the thought of unrequited love. Why should a dog, with a master so tender of his interest that he invokes the intervention of the Governor himself, desire to be away from home, either day or night? This question is one of canine fickleness that defies the research of any legal huntsman. It lies entrenched within the realm of the psychologist.

"His right to be away from home, legally, lies in whether he is muzzled or on leash in accordance with municipal regulation. He must be kept by you at all times where a striking fancy or passing whim would not permit him to do harm to others. This is not harsh, and yet the mandate

is final and unyielding. Remember the same sovereignty that cries out its warning to your dog in another moment thrusts a millionaire behind the bars.

"Thus a license merely is the state's approval of your right to hold property. The city must tell you how to tie him up and hedge him in. The mayor is right; long live the mayor.

"Some comfort there should be. As witness:

" 'When all other friends desert, he remains. When riches take wing and reputation falls to pieces, he is as constant in his love as the sun in its journey through the heavens.'

"Senator Vest said that. I repeat it. You and every one will grant it. A license is his only due. Give it to him and be content.

"I trust this letter does not bore nor tire you. But memories of Maryville are happy in my retrospect. Tell Bill Phares and Fred Hull about your dog, and they will agree with me that he is yours to have and to enjoy—with license."

CHAPTER III

SENATOR VEST AND THE
YELLOWSTONE NATIONAL PARK

Mr. Vest's great interest in the Yellowstone National Park was apparent soon after his election in 1879 to the United States Senate, and he was a member of the Presidential party which passed through the park in 1883 and which beside Mr. Vest was made up of Honorable Chester A. Arthur, President of the United States, John S. Crosby, Governor of Montana territory, Michael V. Sheridan, Lieutenant-Colonel and Military Secretary, Lieutenant-General Philip H. Sherman of the United States Army, Brigadier-General Anson Stager, United States Vol., Captain W. A. Clark, 2nd Cavalry United States Army, D. G. Rollins, Surrogate of New York, Lieutenant-Colonel James F. Gregory, Honorable Robert T. Lincoln, Secretary of War.

Perhaps the most interesting part of the journey was between Fort Washakie, Wyoming, and the Northern Pacific Railroad at Cinnabar, Montana, the party traveling entirely by horseback, and with it was a pack train escorted by a company of cavalry. Couriers were at every twenty miles with fresh relays so that the party was able to communicate daily with the world at large and

it traveled in all three hundred and fifty miles over some very wild country.

Along the route the real enjoyable pastime was trout fishing in which Senator Vest was an adept. This expedition and various others into the region of the park had more or less bearing on the enactment of the National Park Protective Act in 1894, an act to protect the animals in the park.

President Arthur on this trip was the guest of Lieutenant-General Sheridan. No newspaper representative was in the party and associated press dispatches were sent while the party was en route, most of them being written by Lieutenant-Colonel M. V. Sheridan and by Lieutenant-Colonel J. F. Gregory, and at least one dispatch was written by the other members of the party including Mr. Vest, except President Arthur, who however heard the dispatches read and approved them before they were sent.

Senator Vest in the Senate was the outstanding friend of the park, and opposed the various segregative schemes involving the park, and he was invariably on guard against anything which might work to its injury. Senator Vest went into every phase of the Yellowstone Park question. Its early history, and the various expeditions and scientific explorations from the time of John Colter, a member of the Lewis and Clark expedition who was the first white man to view any part of what is now Yellowstone Park. In 1807 after being wounded in a battle between the Crow and Black-foot Indians, he journeyed across the park from

Jackson Hole to Tomer Fall and carried the first accounts to civilization.

When it became apparent that the Government would never consent to the construction of a railroad within the park, it was sought to compass the same by cutting off that portion of the reservation outside of and including the present right of way.

In one of his speeches to the Senate, opposing the segregation project, Mr. Vest referred to this subject with great indignation, saying: "When these states (Montana, Wyoming and Idaho) were territories, and not represented in the Senate, I considered it the duty of every Senator, as this park belonged to all the people of the United States to defend its integrity and to keep it for the purposes for which it was originally designed. Since Senators have come from those states, who, of course, must be supposed to know more about that park than those of us who live at distance, and since they have manifested a disposition to mutilate it, I must confess that my interest in it has rather flopped and I feel very much disposed, in plain language, to wash my hands of the whole business. If the constituencies who are more benefited than any others, can possibly be in the park, are willing to see it cut off, the best disposition of the matter would be to turn it over to the public, let the full greed and avarice of the country have their scope, let the geysers be divided out and taken for the purpose of washing clothes, let the water of that splendid waterfall in the Yellowstone River be used to turn machinery, let

the timber be cut off; in other words, destroy the park, and make it a sacrifice to the greed of this advanced age in which we live."

Senator Vest visited the park in all five times and he impressed upon his colleagues that he came to be interested in the reservation by accident and that he felt it his duty to resist what he considered to be deadly attacks from time to time upon the integrity of this reservation, and he cited the fact that Congress, long before he came into that body, had set aside thirty-three hundred square feet for a reservation in the Rocky Mountains as a National Park. The Senator maintained that in 1879 soon after he entered the Senate, it was intended to turn the reservation into a cattle ranch, and he felt it was his duty to resist that attempt and he was successful in his resistance.

Senator Vest claimed that after that time, attempts were made at every session to run a railroad into the park, subordinate all its purposes as a park and all its attractiveness as a place with natural scenery and objects of curiosity, to commercial and mercenary purposes.

These schemes of fixing the boundaries of the park as argued in the Senate on various occasions would have cut off all that part of the park north of the Yellowstone River, according to Senator Vest. The plan so vigorously opposed by the Missouri Senator finally went off on a point of order.

Senator Vest in this controversy declared he had been maligned and slandered and that there had been imputed to him all sorts of sinister de-

sires, and his contention freely expressed was that if a railroad was put through the reservation every particle of timber on the north side would be burned off, and that it would be taken upon one pretext or another and destroyed by forest fires generated by sparks from locomotives.

Opponents to the plan of railroads in the park argued with vigor that there were no private interests on the borders of the reservation whose development was jeopardized by the declination of the government to give access to them by a railroad line in the park so far as the enjoyment of tourists was concerned, and that a line along the southern border would fill the bill just as well, and serve the adjacent country better, and further that there was no occasion to build an electric line in the reservation and that nearly all the people who visited the section were against it.

Mr. Vest further evidenced his great interest in the park by securing the passage of an amendment which carried with it a salary of \$2000.00 annually to the superintendent of the park and \$900.00 annually to ten assistants, these officials to be appointed by the Secretary of the Interior and live in the park, their duty being to protect the game, timber, and objects of interest. Mr. Vest presented this amendment for the reason that prior to this time, the superintendent of the park was only there a few months in the year and that while he was away an immense amount of game was killed and geysers had been destroyed.

These geysers are the most wonderful, the most singular of all the productions of nature on this

continent, have their eruptions at regular intervals of half an hour, an hour, or an hour and a half, declared the Senator.

He opposed a move to allow the Secretary of the Interior to lease small portions of the park, not exceeding eighty acres in each tract on which hotels could be erected for a period not exceeding ten years.

Mr. Vest contended that the leasing of the tracts should be limited in area to twenty acres each, holding that the principle upon which the park should be managed was that there should be competition and that no one company should have a monopoly of the view, of the ground, of the timber, of the water, of anything in the park. By the time the Missouri Senator had got through with the proposition, the Senate had voted to limit the area of the tracts leased to ten acres.

In 1887 Mr. Vest was directly responsible for increasing the yearly appropriation made for the park from \$20,000.00 to \$40,000.00 and he declared at this time that "It is the most wonderful region upon this continent. That it must be understood that this enormous extent of country, nearly thirty-four hundred square miles, is utterly useless except for the purposes of a park. Upon the south it is a volcanic country covered everywhere with lava deposits. There are no minerals there, no agricultural resource, no grazing lands, simply fit for the purpose of a park, and nothing else."

This great National Park at the present time is approximately sixty-two miles long and fifty-four miles wide, an area of thirty-three hundred

forty-eight square miles and is under the control of the National Park service of the Interior Department. It is without doubt the best known of any National Park and its geysers are famous the world over. Most of the park, as is well known, is in northwestern Wyoming, encroaching to a small extent upon Montana and Idaho. The entire area is volcanic.

Trout fishermen know what trout fishing in Yellowstone waters is, and Senator Vest upon his visit there with President Arthur in 1883 had a good taste of real trout fishing. All three of the great water sheds in the park are the mecca of trout fishermen, Yellowstone Lake, being the home of the large trout, and the Yellowstone River furnish good catches to the trout enthusiasts. Experts declare that waters as remote as possible should always be sought as the more accessible streams are fished so much by the many thousands of visitors that the trout become wary.

The late Missouri Senator, had he lived, would have noted the fact of the great number of motorists who annually visit the big reservation in their own cars. The motorization of the park, now complete, gives the tourist a chance to pass a far greater proportion of his time in sight-seeing, the National Park service having developed the trail system rapidly, some hundreds of miles of good trails being now available for the horse-back rider and hiker.

Three months, from June 19 to September 19, comprise the tourist season at the park. The period between June 1 and 19 and September 19

and October 15, admittance is only to those who are equipped to camp along the roads or trails.

It is indeed to the everlasting fame of Mr. Vest, the man who fought against encroachments at the reservation, that today over three thousand square miles of mountains and valleys remain almost as nature made them, no tree has been chopped down except when necessary for road or camp. Most of the visitors keep to the beaten road and the wild animals seem to appreciate the fact that they mean them no harm.

Twenty years following the visit of President Arthur to the park, occurred the second visit of a President of the United States to this great reservation. Theodore Roosevelt was the second President to make the trip, arriving at the park, April 8, accompanied by John Burroughs, the famous naturalist, and they remained there sixteen days. Mr. Roosevelt passed a week in camp near Yancey's, and traveled considerably by horseback, this part of the visit giving the President a great opportunity to look into the question of game preservation. On his last day at the park, Mr. Roosevelt assisted, April 24, in laying the cornerstone of the new entrance gate at Gardiner, and after the exercises he delivered an address on the park to about three thousand people.

In the vigorous work of the earlier years of the park when the fight to get railroads across it was on, three men fought for the park on every occasion and against cutting it up with railroad lines. These men were the late Senator Vest, the

late William Hallett Phillips and George Bird Grinnell, who later was widely known as the editor of *Forest and Stream*. Mr. Vest was a vigorous fighter in the Senate for what he believed to be the right, and there were few Senators there who could present any proposition in as clear a light. He entered into the controversy over the park with great fervor and was ever watchful of any attempt by the railroads to encroach upon its territory.

George Bird Grinnell also figured as one of the civil assistants to Captain William Ludlow of the corps of engineers when the latter in 1875 made a reconnoissance from Carroll Mount on the Missouri River to the Yellowstone Park and return. He obtained at that time a very accurate measurement of the height of the Yellowstone Falls and his report is a very able short description of the park.

Mr. Vest could scarcely have conceived at the close of his senatorial career in 1903, that in a little over twenty years later, the park he did so much to establish would be visited by nearly 150,000 people in a single year. But such is the fact, the records for 1924 showing that 144,158 visitors visited the reservation in that year, of which 100,186 came in 30,689 autos. In 1923 there were 138,352 visitors, of whom 91,224 came in 27,359 autos. These visitors represented every state in the Union as well as Alaska, Hawaii, the Canal Zone, the Philippines and twenty-three foreign countries. The estimate of the number of autoists camping out in the public

grounds in the park is placed at 85,000. As the park season comprises only the period between June 20 and September 20, these figures show a great gathering of people in a few months.

Senator Vest clearly saw years ago that to exclude railroads from the park was a long way toward retaining the reservation in its original condition. The question was once put to a vote of tourists and the vote was ninety-five per cent. in favor of the complete exclusion of every form of railroad.

Today there is in the park the so-called canyon auto camp, covering a flat of ground about thirty acres in extent along the main road from Yellowstone Lake to Tower Falls, the ground being level but for a small area, the remainder having a slope and the location is in many ways ideal. The work of Mr. Vest and the other friends of this great reservation results today in one of the most perfect natural rendezvous for automobile tourists in the world.

Unquestionably it could have had no more astute friend in the Senate than was Mr. Vest. Absolutely fearless and with a thorough knowledge of the subject, he fought hard to retain the reservation in its original condition. And the promoters of the plans to secure rights of way for railroads were not long in finding out that in the United States Senate the Senator from Missouri was always on the job.

This was still further evidenced by his bill in the Senate in 1890 which passed that body and provided that the Secretary of the Interior and

the Postmaster-General should select a suitable site at Mammoth Hot Springs in the Yellowstone National Park and cause to be erected thereon a suitable building for the use and accommodation of the post office at that place, the buildings not to exceed in cost \$10,000. and the plans and specifications to be furnished by the supervising architect of the Treasury and be approved by the Secretary of the Interior and the Postmaster-General before the work should be begun. The site selected was to leave the building unexposed to danger by fire by an open space of at least one hundred feet.

In explanation of his bill, the Senator at that time declared it was no town at all, but simply a post office at the Springs, and that a large amount of mail was received there during the summer months by tourists, and no building there was suitable for a post office. It transpired that there had been a postmaster there for some years previous, the business being conducted in a frame shanty where there was no security from fire and no accommodations.

Mammoth Hot Springs, as is well known, is the point in the park where later on a big transformation of natural conditions by the work of men has been allowed. Various buildings have been erected there, a hotel, the weather bureau building and the office of the United States Commissioner. Also garrison buildings were provided.

All through Senator Vest's long career in the Senate, anything pertaining to the reservation was sure to receive the fullest consideration from him.

He was wont to say that he knew the audience before which he stood and the age in which he lived. He appealed to the Senators whose states were upon the Mississippi and Missouri rivers to resist attempts to fix the boundaries of the park to permit railroads, and his efforts were invariably successful.

Mr. Vest argued that his interest and that of these Senators were directed to preserving the growth of timber and the grasses and ferns which grew upon the sides of the mountains along the great tributary of the Missouri River, the Yellowstone. He declared that millions of dollars were being expended to prevent the floods which rush down the Missouri and Mississippi rivers and which destroyed farms and plantations. And that if the timber on the headwaters of the Missouri River should be destroyed, the immense fall of water, the rainfall which comes but once in ten or twelve months, would rush down a bare and exposed declivity upon each side of these waters, and would then sweep in resistless volume through the state of Missouri and all the states contiguous upon the Missouri and Mississippi rivers until they reached the Gulf, and that taking away the ferns and vegetables upon the banks of these streams would increase the floods largely when they reached the lower regions.

At the close of one warm debate in the Senate on this question Mr. Vest exclaimed:

"I have no earthly interest in the matter except to protect this park. If ever mortal man stood

here utterly disinterested in this subject, I stand in that condition tonight."

Among the outstanding utterances of Senator Vest were his remarks to his fellow Senators in 1883, four years after his entrance to that body, which may be cited in closing.

The subject for discussion at that time, was the pension bill for the Union soldiers, and Mr. Vest declared that in the four years he had voted for every pension bill that had come before the body. He asserted that if the Confederacy had won, to which he was devoted body and soul from the beginning to the end of the conflict, he would have voted the last dollar of money, and the last acre of land within its limits to have paid the maimed, wounded and disabled soldiers of the Confederate Army and that the people of the United States to whom Providence gave triumph in the conflict, have the same right, and not only the same right but the same duty imposed upon them.

There can be but little doubt that George G. Vest from the time he made his famous speech for the dog, nearly sixty years ago, and all through his service in the Senate, was one of the most picturesque figures in public life. A man of strong likes and dislikes, fearless and bold, his career was one of the most interesting during the half century. Associated with such mental giants as Senator Hoar of Massachusetts, Allison, Teller, the interest of the Missouri statesman in the public questions of the day was unflagging and broad-minded. Whether the matter to be considered

was of local interest to the people of St. Louis or of national importance, it received the same careful attention, and a lengthy consideration of the activities of the men who were in public life during Mr. Vest's life, fail to disclose any who were more active than he, or whose interests were more diversified.

It must be admitted beyond question that his splendid work for the Yellowstone National Park was the outstanding feature of his entire public career, and that his speech for the dog, in itself, was one of the most touching appeals in all history, and that as the years roll on, its pathos, its human interest, its statement of fact, will make a greater impression than ever.

When Senator Vest's long public service was nearing its end, he expressed himself in the Senate in 1902 in this language:

"My public career will end in a very few months and I had fondly expected after the Spanish War that the men of the North and of the South who stood like brothers together against a foreign foe, would continue to stand like brothers in this time of peace. The people of the South are sincere mourners at the graves of Lincoln, Grant, and McKinley, and no more honest tears were ever shed than those dropped upon the bier of our last President, from the eyes of men who had faced in battle the soldiers of the North during four long years. People of the North should remember that the South too has produced great and good and patriotic leaders.

"They should remember that Washington,

Jefferson, Robert E. Lee were slave-holders and differed widely upon that question with their brothers in the northern states. I shall never cease to feel kindly toward the present occupant of the White House, (Roosevelt) for what he said in the broad spirit of statesmanship and as a historian in his life of Thomas H. Benton, in regard to Robert E. Lee. He said that Robert E. Lee was by far the greatest general that ever came from the English speaking races.

"I hope I may be pardoned if I speak briefly of Wade Hampton, whose memory will live for centuries to come among the people not only of the South but of the whole country. I knew him well and loved him sincerely. He was the highest type of a Christian gentleman, patient, brave, honest and unselfish. He was not depressed by adversity or unduly elated by prosperity. Having lost all except life and honor, he bowed submissively to the result of a great war, in which he shared the fortunes of his people."

The late Henry Cabot Lodge, long a Senator from Massachusetts, and who was one of the most brilliant minds in the country, spoke these words of Senator Vest's remarks on President Roosevelt's estimate of Lee, and Vest's regard for General Wade Hampton:

"And certainly I think every one must share with me in the feeling of deep emotion with which we have this morning listened to his eloquence, always beautiful and impressive, but never more so than on this occasion."

In closing, it is opportune to recall once more

that the Missouri Senator on many occasions during his long public life, showed his independent thought, an instance being his opposition to the purchase by the Government of a sword once owned by General Washington for the sum of \$20,000. It was proposed to purchase the sword from Miss Virginia Tayloe Lewis, a relative of Washington, which sword was bequeathed to her in the will of the first President of the United States.

Mr. Vest claimed that such swords had no commercial value, and that the sword in question was not known to have been used by Washington in action. The Senator maintained that he had distinctly said that he would be willing to go to any reasonable extent to evidence his veneration and that of the people he represented for the memory of Washington, and that he had simply said the price of the sword was enormous.

The two questions which occupied the attention of Mr. Vest in 1903 in the closing days of his senatorial career were the Indian appropriation bill and the coal famine. The Senator declared with force that it was astonishing how little attention was paid to any right constitutional or otherwise of the Indians.

Mr. Roosevelt, in his life of Thomas H. Benton, a wonderfully interesting book, according to Mr. Vest, said the North American Indians had been treated with great justice and clemency by the superior race, our race, and the Missouri Senator said, "I do not agree with President Roose-

velt. I think they have been shamefully robbed," and continuing he said:

"I happened once to be a member of the Committee on Indian Affairs of the Senate and I was assigned to a sub-committee to visit the Indian schools of Wyoming and Montana. I went to every Indian school whether under the control of the government or under the Jesuits and others. I think I have said and I repeat I never saw a single government day school that was worth one cent to the Indians or did anything to advance them toward Christianity and civilization. I remember now perfectly and I believe I have stated before the visit I made to Fort Shaw in Montana. There were Crow, Blackfeet and some Turtle Mountain Indians some forty miles distant. It was surrounded by a stockade. I stayed there two days and found eight hundred and ninety odd children enrolled where there had not been ten in attendance at the school at any one day unless it was ration day, when meat was distributed among them. The agent was a superannuated clergyman from Rhode Island. There were two teachers of this school who were his daughters, and they admitted as I found out personally on examination that these Indian children were taught nothing, and yet \$2800. was paid out of the Treasury of the United States to these teachers and reports are made out at every session of Congress in behalf of day schools."

In the great coal famine of 1903 Mr. Vest was to the front, presenting a resolution in the Senate that the tariff duty be removed from hard coal.

This resolution got a hard batting, but the Missourian was on his mettle and loudly expressed the opinion that the country was not on the verge of a crisis in regard to the coal question but was in it.

Women and children were freezing to death and the whole country was shocked within a period of ten days by the statement that a poor woman and her child had frozen to death in a tenement house in New York, in the midst of wealth and luxury, was cited by Mr. Vest in his public utterances on the coal famine; also that under the shadow of the Capitol at Washington a child of eleven was frozen to death while luxurious vehicles were rolling across its asphalt streets, and people were preparing for the festivities of Christmas.

Mr. Vest spoke as a consumer and representing consumers, and claimed his only solicitude was how to find a remedy for what he characterized as a disgraceful, outrageous condition of affairs.

"I know," said he, "that the consumers are being plundered day by day and hour by hour."

The Senator closed his argument by stating that when he concluded to buy coke in Washington, he was told the price was sixteen dollars a ton when the normal price of coke was about three dollars per ton.

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